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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GARY JAMES ROLLER, )  
 )  
Defendant. )  
 )  
 )  
 )  
 )  
 )

No. CR 08-00361(A) RMW

**STIPULATION AND ☐ ORDER CONTINUING STATUS  
CONFERENCE FROM JULY 26, 2010  
TO AUGUST 23, 2010, AND  
EXCLUDING TIME FROM JULY 26,  
2010 TO AUGUST 23, 2010, FROM  
CALCULATIONS UNDER THE  
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

The parties hereby request that the Court enter this order continuing the status conference from July 26, 2010 to August 23, 2010, and excluding time from July 26, 2010 to August 23, 2010. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from July 26, 2010 to August 23, 2010 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate.

Defendant and defense counsel have requested the opportunity to review the images and

1 films that are at issue in this case. The government will also provide a computer forensics report  
2 on the computer and other digital media upon which the images and films were found by the  
3 week of July 5, 2010. Once this report has been provided, defendant and defense counsel will  
4 need additional time to review and analyze it. In addition, defense counsel is currently in trial  
5 and may continue to be in trial the week of July 26, 2010. Moreover, government counsel will  
6 be on annual leave the week of July 26, 2010.

7 Therefore, for effective preparation of defense counsel and continuity of counsel, the  
8 parties agree that the status conference currently scheduled for July 26, 2010 should be  
9 continued to August 23, 2010 at 9 a.m.

10 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial  
11 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for  
12 effective preparation of the defense and continuity of defense counsel; believes the exclusion is  
13 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial  
14 Act, 18 U.S.C. § 3161, should be for the period from July 26, 2010 to August 23, 2010.

15 Given these circumstances, the parties believe, and request that the Court find, that the  
16 ends of justice are served by excluding from calculations the period from July 26, 2010 to  
17 August 23, 2010 outweigh the best interests of the public and the defendant in a speedy trial  
18 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

19 IT IS SO STIPULATED.

20 DATED: 6/30/10

21 /s/ Richard Pointer  
22 RICHARD POINTER  
Attorney for Defendant

23 DATED: 6/30/10

24 /s/ Hanley Chew  
25 HANLEY CHEW  
Assistant United States Attorney  
Attorney for Plaintiff

26 **[] ORDER**

27 Having considered the stipulation of the parties, the Court finds that: (1) the defendant  
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1 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18  
2 U.S.C. § 3161, from July 26, 2010 to August 23, 2010, based on the need for the defense counsel  
3 to investigate further the facts of the present case, review the discovery that the government has  
4 already provided and will provide and evaluate further possible defenses and motions available  
5 to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense  
6 and continuity of counsel and is in the defendant's best interests; and (3) the ends of justice are  
7 served by excluding from Speedy Trial calculations the period from July 26, 2010 to August 23,  
8 2010.

9 Accordingly, the Court further orders that (1) the status conference currently scheduled  
10 for July 26, 2010 is vacated and that the next appearance date before this Court is scheduled for  
11 August 23, 2010 at 9:00 a.m.; and (2) the time from July 26, 2010 to August 23, 2010 is  
12 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

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14 IT IS SO ORDERED.

15 DATED: 7/14/10  
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17 THE HONORABLE RONALD M. WHYTE  
18 United States District Court Judge  
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